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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,253	12/21/2001	Thomas N. Turba	RA5407 (33012/325/101)	2115
27516	7590	04/14/2006	EXAMINER	
UNISYS CORPORATION MS 4773 PO BOX 64942 ST. PAUL, MN 55164-0942			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2165	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/028,253

Applicant(s)

TURBA ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on March 27, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 16 is/are allowed.
- 6) ☒ Claim(s) 12-15, 17-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

#### ***Remarks***

1. In response to Amendment filed on March-27-2006, claims 1-25 are presently pending in the application.
2. Applicant's response has overcome the double patenting rejection.

#### ***Claim Objections***

3. Claims 12-15, and 17-25 are objected to because of the following informalities:

Claim 21, line 3, recite the limitaion "user can make" is indirect, suggest optionally, and passive which renders any recitation claimed after not be given patentable weight. Appropriate correction is required.

Claims 12-15, recite "A method according to claim" instead of "The method according to claim" which makes it unclear to the Examiner if a new method is being introduced or the original method of which the claims depend is still being referenced therefore making it lack antecedent basis. Correction is required.

Claims 17-20, and 22-25 have similar deficiency.

#### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Roth (U.S. Pub. No. 2003/0041053 A1).

As to claim 21, Roth discloses an apparatus for communicating within a data processing environment comprising:

a. a user terminal (See page 7, paragraph 0087, wherein “terminal” reads on “client computer”) whereby a user can make a data processing service request by transferring an XML message and receive a corresponding data processing response (See Figure 7, process flow diagram, 110, XML send/receive module);

b. a converter which converts said XML message into said data processing service request in a native command language (See page 7, paragraph 0089, wherein “internal format” reads on “SQL”); and

c. a legacy database management system responsively coupled to said user terminal which executes said native command language wherein said service request is honored by execution of an ordered sequence of statements of said native command language (See page 5, paragraphs 0066-0068).

*Allowable Subject Matter*

6. Although no rejections in view of prior art are made with regards to claims 12-15, 17-20, 22-25, no claims in this application will be indicated as allowable until after a response to this action has been reviewed, as to the fact that certain changes may not produce allowable claims.

*Allowance*

7. Claims 1-11, and 16 are allowed.

*Response to Arguments*

8. Applicant's arguments filed on March 27, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument regarding claim 21 that "Roth does not teach "user terminal" which makes an XML data processing service request and receive corresponding response; Roth also does not teach, the converter to be located within the client terminal" is acknowledged but not deemed to be persuasive.

The Examiner points to claim 21 language that makes no suggestion as to where the "converter" is located. Therefore, arrows representing input/output in Roth's Figure 6, between client computer, 102, and server computer, 150, clearly indicate sending and receiving request/response between translator, 602, within the client, and the rest of the system (eventually the server) thereby reading on the argued limitation. Figure 6 is explained on page 7, paragraph 0088 as having input and output to the query string once translated to XML.

In response to Applicant's argument regarding claim 21 that "Roth does not teach "legacy database management system which executes said native command language" is acknowledged but not deemed to be persuasive.

The Examiner contends that the cited portions of Roth page 7, paragraphs 0066-0068 clearly teach this limitation. A Legacy database system represented by Relational database executes SQL "native command language" thus broadly interpreted to read on the argued limitation.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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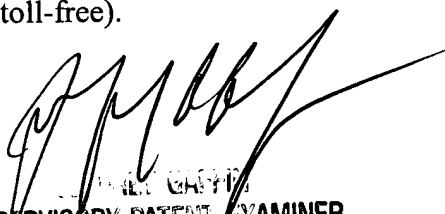
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074.

The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
April 11, 2006



SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100